

Ingale

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.940 OF 2014

IN

SECOND APPEAL NO. 404 OF 2014

Shri Jagannath Sakharam Naik .. Since deceased through legal heirs

1/a. Smt.Sakhibai Jagannath Naik and others ... Applicants

Vs.

Smt.Tulsi Ganpat Naik and others Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Gauri Godse, Advocate for the Applicants.

Ms.Nandini Chitar, Advocate for the Respondents.

CORAM : R.G.KETKAR, J.**DATE : 19th March 2015****PC.**

. Not on board. At the request of Ms.Gauri Godse, taken up in the Production Board.

2. Heard Ms.Gauri Godse, learned Counsel for the applicants and Ms.Nandini Chitar, learned Counsel for the respondents.

3. Ms.Godse submitted that by order dated 07/01/2015, this Court admitted the appeal as it involves substantial question of law as set out in ground (e) of the Memo of Appeal. She submitted that decree of possession is passed against the applicants. She submitted that in case ad-interim order granted on 07/01/2015 is not confirmed, respondent will execute the decree and the appeal

will become infructuous.

4. On the other hand, Ms.Chitar submitted that appeal does not involve any question of law and the issue raised in this appeal is squarely covered by the decision of the Apex Court in the case of *Vallabh Das Vs. Mandal Lal*, AIR 1970 (SC) 987.

5. Having regard to the fact that appeal is already admitted and ad-interim order is granted on 07/01/2015. Ad-interim order is required to be confirmed, otherwise, appeal will become infructuous.

6. Hence, Civil Application is allowed in terms of prayer clause (a). Costs in cause.

7. Hearing of the appeal is expedited. Call for Record and Proceedings.

(R.G.KETKAR, J.)